

The Georgia Board of Nursing met April 2, 2020, by teleconference from the Professional Licensing Boards Division of the Secretary of State located at 237 Coliseum Drive, Macon, Georgia 31217.

THURSDAY, APRIL 2 2020

MEMBERS PRESENT

Darrell Thompson, RN, DNP, ACNP-BC, FNP-BC, President
Tammy Bryant, RN, SN, MBA, NEA-BC, Vice President
Linda Floyd, RN, EdD, PMHNP-BC
Merry Fort, RN, BS
Holly Free, RN, MSN
Jennifer Pipkin, RN, MSN, CRNA
Ashlan Porter, RN

MEMBERS ABSENT

Tracey Blalock, RN, MSN, MBA, NEA-BC
Candice Broce, Consumer Member
Irene (Renie) Cordell, RN
Fredettina (Tina) Fletcher, LPN
K. Andrea Phipps, LPN

STAFF PRESENT

Jim Cleghorn, Executive Director
Mary Brannen, JD, Assistant Attorney General

Thompson called the meeting to order at 5:00 p.m. on Thursday, April 2, 2020. A quorum to conduct disciplinary matters was present.

EMERGENCY RULES

Bryant moved to adopt Emergency Rule 410-2-0.5-.08 – Temporary Permits for Graduates of Approved Nursing Education Programs.

Emergency Rule 410-2-0.5-.08 – Temporary Permits for Graduates of Approved Nursing Education Programs

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare

of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency and a period of not more than 60 days, whichever is shorter.

(2) An applicant for licensure by examination who has graduated from a Board approved nursing education program since December 1, 2019, may be issued a temporary permit to practice as a graduate nurse (GN) or graduate practical nurse (GPN) pending the results of the licensing examination.

(3) In order to receive a temporary permit to practice as a GN or GPN, the new graduate must submit the following:

(a) A complete application containing information required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(b) The required application processing fee which is not refundable;

(c) Completed registration as required by the Board to cause the submission of a criminal background check as required by O.C.G.A. § 43-26-7(b)(4);

(d) Official transcripts documenting graduation from an approved nursing education program;

(e) Evidence of registration with the examination administration service to take the NCLEX-PN or NCLEX-RN;

(f) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and,

(g) Any additional information requested by the board needed to establish eligibility.

(4) A temporary permit to practice as a GN or GPN will not be issued to any applicant who has previously failed the licensing examination.

(5) The temporary permit to practice as a GN or GPN, which is not renewable, is valid for the duration of the Public Health Emergency as declared by the Governor and a period of not more than 60 days, or upon receipt of a notice of failing the examination from the Board, whichever date is the earliest. The GN or GPN must immediately inform employers of receipt of notification of failing the examination and cease all practice of nursing. To reestablish testing eligibility, the applicant must submit an application for reexamination as provided in Board Rule 410-2-.04 or 410-2-.07.

(6) The new graduate who has been issued a temporary permit to practice nursing as a GN or GPN pending the results of the licensing examination must work under the direct supervision of either a licensed practical or a registered professional nurse if a GPN or a registered professional nurse only if a GN, who is physically present in the facility or practice setting and who is readily available to the GN or GPN for consultation and assistance. If the facility is organized into multiple units that are geographically distanced from each other, then the supervising nurse must be working on the same unit to which the GN or GPN is assigned. The GN or GPN shall not be placed in supervisory or charge positions and shall not work in independent practice settings.

(7) The nurse administrator of facilities that employ Graduate Nurses or Graduate Practical Nurses must ensure that the GN or GPN has a valid temporary authorization to practice as a GN or GPN pending the results of the licensing examination, has scheduled a date to take the NCLEX-PN or NCLEX-RN, and does not continue to practice after expiration of the temporary permit or receipt of a notice of failing the examination from the Board, whichever date is earlier.

Authority: O.C.G.A. §§ 43-26-8(a)

Floyd seconded the motion and it carried unanimously.

Pipkin moved to adopt Emergency Rule 410-4-0.6-.01 – Licensure by Reinstatement (RN).

Emergency Rule 410-4-0.6-.01 – Licensure by Reinstatement (RN)

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency. During the time this rule is effective, it shall replace Georgia Board of Nursing Rule 410-4-.01.

(2) An applicant for licensure by reinstatement who was previously licensed as a registered nurse in the state of Georgia must submit the following:

(a) A complete application containing data required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(b) The required application processing fee which is not refundable;

(c) Completed registration as required by the Board to cause the submission of a criminal background check as required by O.C.G.A. § 43-26-7(d)(3);

(d) Documentation of one of the following within four years immediately preceding the date of application:

1. Five hundred (500) hours of licensed practice as a registered nurse as documented on the verification of employment form provided by the Board;

2. Graduation from a nursing education program as defined in O.C.G.A. § 43-26-3(1.2); or

3. Completion of a Board approved reentry program as defined in Rule 410-4-03.

(e) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and,

(f) Any additional information requested by the Board needed to establish eligibility.

(3) Reinstatement of the license is within the discretion of the Board.

(4) The Board may require the passage of an examination or other competency assessments. The Board, in its discretion, may impose any remedial requirements deemed necessary.

(5) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of nursing or being mentally or physically unable to practice nursing with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-26-11.

(6) The denial of reinstatement is not a contested case within the meaning of Chapter 13 of Title 50, but the applicant shall be entitled to an appearance before the Board.

(7) An application is active for one year after which a new application and fee are required.

(8) An applicant who was under investigation for possible violation of the Nurse Practice Act prior to the revocation of the applicant's license and/or as a result of information the Board received since the lapsing/revocation of the applicant's license may not be issued a

license until the matter is resolved to the satisfaction of the Board. The license may be denied or sanctioned despite the applicant meeting all other criteria for licensure.

Authority: O.C.G.A. §§ 43-1-25, 43-26-2, 43-26-5, 43-26-7(d), 46-26-8, 43-26-9, and 43-26-9.1.

Free seconded the motion and it carried unanimously.

Bryant moved to adopt Emergency Rule 410-4-0.7-.02 – Licensure by Reinstatement (LPN).

Emergency Rule 410-4-0.7-.02 – Licensure by Reinstatement (LPN)

(1) As a response to the current state of emergency as declared by the Governor, the Georgia Board of Nursing finds the potential for imminent peril to the public health, safety, or welfare of Georgia citizens. This emergency rule shall go into effect based on O.C.G.A. § 50-13-4(b) and shall be effective for the duration of the emergency. During the time this rule is effective, it shall replace Georgia Board of Nursing Rule 410-4-.02.

(2) An applicant for licensure by reinstatement who was previously licensed as a practical nurse in the state of Georgia must submit the following:

(a) A complete application containing data required by the Board attesting that all information contained in, or referenced by, the application is complete and accurate and is not false or misleading;

(b) The required application processing fee which is not refundable;

(c) Completed registration as required by the Board to cause the submission of a criminal background check as required by O.C.G.A. § 43-26-36.1;

(d) Documentation of one of the following within four years immediately preceding the date of application:

1. Five hundred (500) hours of licensed practice as a practical nurse as documented on the verification of employment form provided by the Board;

2. Graduation from a nursing education program as defined in O.C.G.A. § 43-26-32(1.1); or

3. Completion of a Board approved reentry program as defined in Rule 410-4-.04.

(e) Secure and verifiable documentation of United States citizenship or lawful presence in the United States as required by Georgia law; and

(f) Any additional information requested by the board needed to establish eligibility.

(3) Reinstatement of the license is within the discretion of the Board.

(4) The Board may require the passage of an examination or other competency assessments. The Board, in its discretion, may impose any remedial requirements deemed necessary.

(5) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of nursing or being mentally or physically unable to practice nursing with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-26-40.

(6) The denial of reinstatement is not a contested case within the meaning of Chapter 13 of Title 50, but the applicant shall be entitled to an appearance before the Board.

(7) An application is active for one year after which a new application and fee are required.

(8) An applicant who was under investigation for possible violation of the Nurse Practice Act prior to the revocation of the applicant's license and/or as a result of information the Board received since the lapsing/revocation of the applicant's license may not be issued a license until the matter is resolved to the satisfaction of the Board. The license may be denied or sanctioned despite the applicant meeting all other criteria for licensure.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-26-3, 43-26-5, 43-26-31, 43-26-32, 43-26-36, 43-26-39.

Porter seconded the motion and it carried unanimously.

PROPOSED POLICY

The Board reviewed a proposed emergency policy for accepting consent agreements for licensure that include fines for unlicensed practice, unprofessional conduct and failure to disclose. Floyd moved to adopt the following policy:

During the Public Health Emergency, as declared by the Governor, the Board authorizes staff to docket, upon receipt, consent agreements for licensure to include a fine for unlicensed practice, unprofessional conduct or failure to disclose that are issued to

applicants as provided in Policies 1.12 and 2.7. A list of the docketed orders will be presented to the Board at the next regularly scheduled Board meeting for review and ratification.

Fort seconded the motion and it carried unanimously.

POLICY 3.2 USE OF SIMULATION IN PRACTICAL NURSING EDUCATION PROGRAMS

The Board reviewed Policy 3.2 which regulates the use of simulation in practical nursing education programs.

Practical nursing education programs may substitute clinical simulation for not more than 75% of the clinical clock hours required in the study of obstetrics and pediatrics only.

Simulation may not be used as a substitute for clinical clock hours in any other required clinical experience area.

Practical nursing education programs that utilize clinical simulation as a substitute for clinical clock hours must provide evidence to the Board that the clinical simulation lab meets the standards set by the Certified Healthcare Simulation Educator program and accreditation standards for simulation centers.

To provide more opportunities for practical nursing education programs to complete educational requirements, the Board may wish to consider suspending this policy during the duration of the Governor's declared Public Health Emergency.

Porter moved to suspend the policy during the Public Health Emergency, as declared by the Governor. Bryant seconded the motion and it carried unanimously.

ATTORNEY GENERAL'S REPORT

The Board provided guidance to the Attorney General's Office regarding the resolution of cases during the Public Health Emergency.

PRIVATE CONSENT AGREEMENTS FOR FAILURE TO DISCLOSE

(RNI=Registered Nurse Investigative Case Number, LPNI=Licensed Practical Nurse Investigative Case Number)

Fort moved to ratify the Private Consent Agreements for licensure with a fine of \$500 for failure to disclose arrest(s)/disciplinary action on applications that were issued according to the Board's policies.

LPNI200333 LPNI200344

Floyd seconded the motion and it carried unanimously.

PRIVATE CONSENT AGREEMENTS FOR UNLICENSED AND UNAUTHORIZED PRACTICE

(LPNI = Licensed Practical Nurse Investigative Case Number) (RNI=Registered Nurse Investigative Case Number)

Floyd moved to ratify the Private and Public Consent Agreements for unlicensed/unauthorized practice that were issued according to the Board's policies.

RNI201206 RNI201297 RNI201316 RNI201321 RNI201332

Pipkin seconded the motion and it carried unanimously.

INVESTIGATIVE COMMITTEE A

(LPNI = Licensed Practical Nurse Investigative Case Number) (RNI=Registered Nurse Investigative Case Number)

Bryant moved to ratify the following cases from the April 2, 2020 Investigative Committee meeting:

RNI200074	RNI200154	RNI200012	RNI200051	RNI200508	RNI181300	RNI200455
RNI201141	LPNI200053	RNI200449	RNI200276	RNI201117	LPNI200210	RNI200306
RNI201201	LPNI200152	RNI180701	RNI200411	RNI191505	RNI201154	RNI200239

RNI190840	RNI190943	RNI200830	RNI161017	RNI181042	LPNI170199	RNI200842
RNI201135	LPNI200323	RNI200964	RNI200869	LPNI200332	RNI201276	RNI201279

Floyd seconded the motion and it carried unanimously.

APRN BARRIERS TO PRACTICE

Pipkin requested that the Board consider seeking guidance from the Attorney General's Office regarding the statutory barriers that would need to be lifted by the Governor to enable advanced practice registered nurses to practice to the full scope of their knowledge, training and certification.

Floyd moved to support the lifting of statutory barriers to enable advanced practice registered nurses to practice to the full scope of their knowledge, training and certification during the Public Health Emergency. Fort seconded the motion and it carried unanimously.

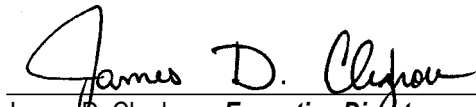
NCLEX ADMINISTRATION

Cleghorn provided information regarding the current provisions for the administration of NCLEX.

There being no further business, the meeting adjourned Thursday, April 2, 2020 at 6:32 p.m.



Darrell Thompson, **President**



James D. Cleghorn, **Executive Director**

